

**REMARKS**

Favorable reconsideration of this application, as presently amended, is respectfully requested. Claims 5, 18, and 35 have been canceled, without prejudice or disclaimer. Thus, claims 1-4, 6-17, 19-34, 36, and 38-41 are pending. Claims 1, 13, and 40-41 have been amended. Applicant respectfully submits that no new matter has been added by the amendments to the claims.

With respect to dependent claims 9 and 27, Applicant respectfully points out that in response to the Office Action filed on July 15, 2004, the formula for a power ratio was inadvertently left out of dependent claims 9 and 27. Applicant respectfully points out that the formula in dependent claims 9 and 27 is again present in this response. Applicant respectfully submits that no new matter has been added and the formula can be found in dependent claims 9 and 27 as originally filed.

Claims 7-12, 25-34, and 36 have been allowed. Claims 5, 14-16, and 18-19 stand objected to in the Office Action as being dependent upon a rejected base claim, but have been indicated to be allowable if rewritten in independent form to include all features of the base claims and any intervening claims. Applicant appreciates the Examiner's indication of allowable subject matter.

Claims 1, 3, 6, and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,516,185 to MacNally ("MacNally"). In response, Applicant has amended independent claim 1 to include the features of dependent claim 5, which has been indicated by the Examiner to represent allowable subject matter. Applicant respectfully submits that amended independent claim 1 distinguishes over MacNally and respectfully requests that the rejection thereof be withdrawn. Independent claim 35 has been canceled, thus rendering the rejection of claim 35 moot. Claims 3 and 6 both depend from and further restrict amended independent claim 1 in a patentable sense. Therefore, dependent claims 3 and 6 are also deemed to be distinguishable over MacNally.

Claims 2, 39, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MacNally in view of U.S. Patent No. 6,141,372 to Chalmers ("Chalmers"). Dependent claims 2 and 39 depend from and further restrict independent claim 1 in a patentable sense.

Dependent claim 41 has been amended to depend from independent claim 36. Independent claim 36 has been indicated as allowable. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1 and 36, respectively, each dependent claim 2, 39, and 41 distinguishes over the cited combination of MacNally and Chalmers. Withdrawal of the rejection of dependent claims 2, 39, and 41 is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over MacNally in view of U.S. Patent No. 5,512,898 to Norsworthy et al. ("Norsworthy"). Dependent claim 4 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 4 distinguishes over the cited combination of MacNally and Norsworthy. Withdrawal of the rejection of dependent claim 4 is respectfully requested.

Claims 13, 17, 20-24, 38, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MacNally. Applicant has amended independent claim 13 to include the features of dependent claim 18, which has been indicated by the Examiner to represent allowable subject matter. Applicant respectfully submits that amended independent claim 13 distinguishes over MacNally and respectfully requests that the rejection thereof be withdrawn.

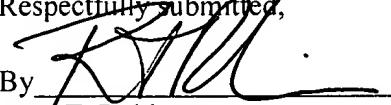
Dependent claims 17 and 20-24 depend from and further restrict independent claim 13 in a patentable sense. Dependent claim 38 depends from and further restricts independent claim 1 in a patentable sense. Dependent claim 40 has been amended to depend from independent claim 36. Independent claim 36 has been indicated as allowable. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 13, 1, and 36, respectively, each dependent claim 17, 20-24, 38, and 40 distinguishes over MacNally. Withdrawal of the rejection of dependent claims 17, 20-24, 38, and 40 is respectfully requested.

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance. A Notice of that effect is respectfully requested.

Dated:

May 26, 2005

Respectfully submitted,

By 

Ross T. Robinson

Registration No.: 47,031

JENKENS & GILCHRIST, A PROFESSIONAL  
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant